

**Amendment No. 5 to SB3361**

**Jackson  
Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 3361\***

**House Bill No. 3536**

by inserting the following language as a new, appropriately designated subdivision to the amendatory language of Section 1, subdivision (f)(4) of the bill:

(  ) Notwithstanding anything in this section to the contrary, a restriction on an employed physician's right to practice medicine upon termination or conclusion of the employment relationship that unreasonably impedes the public interest in the availability of health care shall not be enforceable against the physician as a violation of public policy. In determining whether a restriction unreasonably impedes the public interest in the availability of health care, a court shall consider:

(i) The availability of health care providers trained in the medical specialty of the employed physician within the geographic area of such restriction;

(ii) The availability of health care providers in general within the geographic area of such restriction;

(iii) The extent to which the restriction impedes the ability of patients to choose the physician of their choice;

(iv) The extent to which the restriction disrupts the continuity of care provided to the physician's patients;

(v) Whether the restriction is narrowly drawn to protect the reasonable business interests of the physician's employer and the extent to which the restriction, in application, in fact protects such business interests; and

(vi) The extent to which the physician's employer contributed to the dissolution of the employer-employee relationship.